



City Council Report

City Council Meeting: June 27, 2017
Agenda Item: 7.A

To: Mayor and City Council
From: Alan Seltzer, Interim Assistant City Attorney, City Attorney's Office
Subject: Second Reading and Adoption of Ordinance Amending Santa Monica Municipal Code Section 6.20.010 Relating To Accessory Dwelling Units and Vacation Rentals

Recommended Action

Staff recommends that City Council adopt the Ordinance Amending Santa Monica Municipal Code Section 6.20.010.

Executive Summary

At its meeting on June 13, 2017, the City Council introduced for first reading an ordinance amending Santa Monica Municipal Code Section 6.20.010 relating to accessory dwelling units and vacation rentals.

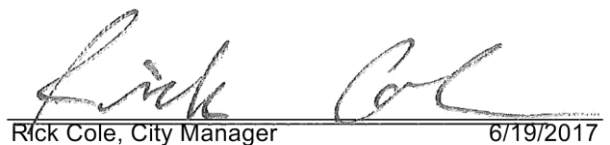
The ordinance is now presented to City Council for adoption.

Prepared By: Elsa Kapsinow, Executive Assistant to the City Attorney

Approved

Forwarded to Council


Joseph Lawrence, Interim City Attorney 6/16/2017


Rick Cole, City Manager 6/19/2017

Attachments:

A. Ordinance

ORDINANCE NUMBER _____ (CCS)

(City Council Series)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SANTA MONICA
AMENDING SANTA MONICA MUNICIPAL CODE SECTION 6.20.010 RELATING TO
ACCESSORY DWELLING UNITS AND VACATION RENTALS

WHEREAS, a central and significant goal for the City is preservation of its housing stock and preserving the quality and character of residential neighborhoods. Santa Monica places a high value on cohesive and active residential neighborhoods and the diverse population which resides therein. The City must preserve its available housing stock and the character and charm which result, in part, from cultural, ethnic, and economic diversity of its resident population as a key factor in economic growth; and

WHEREAS, Santa Monica's natural beauty, its charming residential communities, its vibrant commercial quarters and its world class visitor serving amenities have drawn visitors from around the United States and around the world; and

WHEREAS, there is within the City a diverse array of short term rentals for visitors, including, hotels, motels, bed and breakfasts, vacation rentals and home-sharing, not all of which are lawful; and

WHEREAS, operations of vacation rentals, where residents rent entire units to visitors and are not present during the visitors' stays, frequently disrupt the quietude and residential character of the neighborhoods and adversely impact the community; and

WHEREAS, recently, the state of California has enacted legislation to encourage the construction of accessory dwelling units (ADU) in order to reduce the severe housing shortage, especially affordable housing shortage, in California; and

WHEREAS, using ADUs for vacation rental purposes would not meet this goal of easing housing shortage.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SANTA MONICA DOES ORDAIN AS FOLLOWS:

SECTION 1. Santa Monica Municipal Code Section 6.20.010 is hereby amended as follows:

Chapter 6.20.010 Definitions.

For purposes of this Chapter, the following words or phrases shall have the following meanings:

(a) **Home-Sharing.** An activity whereby the residents host visitors in their homes, for compensation, for periods of thirty consecutive days or less, while at least one of the dwelling unit's primary residents lives on-site, in the dwelling unit, throughout the visitors' stay. An Accessory Dwelling Unit, as defined by the Zoning Ordinance, which received its building permit on or after March 31, 2017, constitutes a separate dwelling unit for the purpose of defining a Home-Sharing activity.

(b) **Host.** Any person who is an owner, lessee, or sub-lessee of a residential property or unit offered for use as a vacation rental or home-share. Host also includes any person who offers, facilitates, or provides services to facilitate, a vacation rental or home-share, including, but not limited to, insurance, concierge services, catering,

restaurant bookings, tours, guide services, entertainment, cleaning, property management, or maintenance of the residential property or unit regardless of whether the person is an owner, lessee, or sub-lessee of a residential property or unit offered for use as a vacation rental or home-share. Any person, other than an owner, lessee, or sub-lessee, who operates home-sharing or vacation rental activities exclusively on the Internet shall not be considered a host.

(c) **Hosting Platform.** A person who participates in the home-sharing or vacation rental business by collecting or receiving a fee, directly or indirectly through an agent or intermediary, for conducting a booking transaction using any medium of facilitation.

(d) **Booking Transaction.** Any reservation or payment service provided by a person who facilitates a home-sharing or vacation rental transaction between a prospective transient user and a host.

(e) **Person.** Any natural person, joint venture, joint stock company, partnership, association, club, company, corporation, business trust, or organization of any kind.

(f) **Vacation Rental.** Rental of any dwelling unit, in whole or in part, within the City of Santa Monica, to any person(s) for exclusive transient use of thirty consecutive days or less. Exclusive transient use shall mean that none of the dwelling unit's primary residents lives on-site, in the dwelling unit, throughout any visitor's stay. Rental of units located within City-approved hotels, motels and bed and breakfasts shall not be considered vacation rentals.

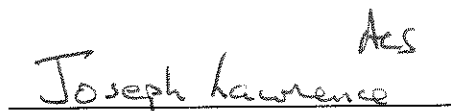
SECTION 2. The amendment to Section 6.20.010(f) shall be considered declarative and clarification of existing law.

SECTION 3. Any provision of the Santa Monica Municipal Code or appendices thereto inconsistent with the provisions of this Ordinance, to the extent of such inconsistencies and no further, is hereby repealed or modified to that extent necessary to effect the provisions of this Ordinance.

SECTION 4. If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have passed this Ordinance and each and every section, subsection, sentence, clause, or phrase not declared invalid or unconstitutional without regard to whether any portion of the ordinance would be subsequently declared invalid or unconstitutional.

SECTION 5. The Mayor shall sign and the City Clerk shall attest to the passage of this Ordinance. The City Clerk shall cause the same to be published once in the official newspaper within 15 days after its adoption. This Ordinance shall become effective 30 days from its adoption.

APPROVED AS TO FORM:


Joseph Lawrence

JOSEPH LAWRENCE
Interim City Attorney

REFERENCE:

Ordinance No. 2547
(CCS)